

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSH 2006-8
)	
DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS,)	ORDER NO. 196
)	
Complainant,)	FIRST AMENDED PRETRIAL ORDER
)	
vs.)	
)	
DEPARTMENT OF TRANSPORTATION - Airports Division, State of Hawaii,)	
)	
Respondent.)	
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FIRST AMENDED PRETRIAL ORDER

Pursuant to the representations by the parties' representatives at an initial conference held by the Hawaii Labor Relations Board (Board) on June 22, 2006, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:
 - a. Citation 1, Item 1a - 29 CFR 1910.132(d)(1)
 - (i) Whether Respondent violated 29 CFR 1910.132(d)(1) as described in Citation 1, Item 1a, issued on April 19, 2006?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
 - (iii) Whether the imposition and amount of the \$1,500.00 penalty is appropriate? If not, what is the appropriate penalty?
 - b. Citation 1, Item 1b - 29 CFR 1910.132(d)(2)
 - (i) Whether Respondent violated 29 CFR 1910.132(d)(2) as described in Citation 1, Item 1b, issued on April 19, 2006?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?

- c. Citation 1, Item 2 - 29 CFR 1910.132(f)(1)
 - (i) Whether Respondent violated 29 CFR 1910.132(f)(1) as described in Citation 1, Item 2, issued on April 19, 2006?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
 - (iii) Whether the imposition and amount of the \$1,500.00 penalty is appropriate? If not, what is the appropriate penalty?
- d. Citation 1, Item 3a - 29 CFR 1910.134(c)(1)
 - (i) Whether Respondent violated 29 CFR 1910.134(c)(1) as described in Citation 1, Item 3a, issued on April 19, 2006?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
 - (iii) Whether the imposition and amount of the \$1,500.00 penalty is appropriate? If not, what is the appropriate penalty?
- e. Citation 1, Item 3b - 29 CFR 1910.134(d)(1)(i)
 - (i) Whether Respondent violated 29 CFR 1910.134(d)(1)(i) as described in Citation 1, Item 3b, issued on April 19, 2006?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
- f. Citation 1, Item 3c - 29 CFR 1910.134(e)(1)
 - (i) Whether Respondent violated 29 CFR 1910.134(e)(1) as described in Citation 1, Item 3c, issued on April 19, 2006?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
- g. Citation 1, Item 3d - 29 CFR 1910.134(k)(1)
 - (i) Whether Respondent violated 29 CFR 1910.134(k)(1) as described in Citation 1, Item 3d, issued on April 19, 2006?

- (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?
- h. Citation 1, Item 4a - 29 CFR 1910.1030(c)(1)(iii)
 - (i) Whether Respondent violated 29 CFR 1910.1030(c)(1)(iii) as described in Citation 1, Item 4a, issued on April 19, 2006?
 - (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?
 - (iii) Whether the imposition and amount of the \$1,500.00 penalty is appropriate? If not, what is the appropriate penalty?
- i. Citation 1, Item 4b - 29 CFR 1910.1030(c)(2)(i)
 - (i) Whether Respondent violated 29 CFR 1910.1030(c)(2)(i) as described in Citation 1, Item 4b, issued on April 19, 2006?
 - (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?
- j. Citation 1, Item 4c - 29 CFR 1910.1030(d)(1)
 - (i) Whether Respondent violated 29 CFR 1910.1030(d)(1) as described in Citation 1, Item 4c, issued on April 19, 2006?
 - (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?
- k. Citation 1, Item 4d - 29 CFR 1910.1030(d)(3)(i)
 - (i) Whether Respondent violated 29 CFR 1910.1030(d)(3)(i) as described in Citation 1, Item 4d, issued on April 19, 2006?
 - (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?
- l. Citation 1, Item 4e - 29 CFR 1910.1030(f)(1)(i)
 - (i) Whether Respondent violated 29 CFR 1910.1030(f)(1)(i) as described in Citation 1, Item 4e, issued on April 19, 2006?

- (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?

m. Citation 1, Item 4f - 29 CFR 1910.1030(g)(2)(ii)

- (i) Whether Respondent violated 29 CFR 1910.1030(g)(2)(ii) as described in Citation 1, Item 4f, issued on April 19, 2006?
- (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?

2. Discovery and other deadlines are:

Exchange of expert reports, if any;
identification of unnamed and live
witnesses

July 21, 2006


Discovery cutoff

August 21, 2006


3. Trial is scheduled on September 21, 2006 at 9:30 a.m., or as soon thereafter as this case can be heard, in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii 96813.
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, June 30, 2006.

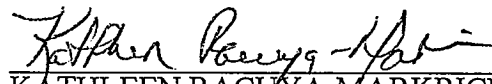
HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



EMORY J. SPRINGER, Member



KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

Robyn M. Kuwabe, Deputy Attorney General
James Pratt